8.

THE VVHOLE TRIALL OF Connor Lord Macguire,

WITH

The perfect Copies of the Indictment, and all the Evidences against him.

ALSO

The Copie of Sir *Philome Oneales* Commission, the *Popes* Bull to the confederate Catholikes in Ireland, with many remarkable Passages of the grand Rebellion there, from the first Rise thereof to this present.

His Plea of Peerage, and severall Answers: With the severall Replies made to him,

BY { The Kings Sergeant at Law, and Sergeant ROLL. / WILLIAM PRYNNE, Esquire; and M. NUDIGATE.

AND

The Copies of the severall Testimonies brought in against him at his Triall at the Kings Bench Barre, in *Hilarie* Terme last: By

The Lord Blaney.	*Sir Fran. Hamilton.*	*John Carmicke.*
Lady Calfield.	*Sir Edw. Borlacey.*	*VValter Gubson.*
Sir Arthur Loftus.	*Sir VVilliam Cole.*	*M. Bunbury.*
Sir John Temple.	*Sir Charles Coot.*	*Cap. Mich. Balfoure.*
Sir William Stewart.	*Mrs. VVordrofe.*	*Captain Berisford.*

LONDON,
Printed for *Robert Austin*, in the Old-Baily. 1645.

THere will be no need of making any long preamble to this buſineſſe of the Lord Macguire: there is none of us but have cauſe to be very ſenſible of it in ſome of our blood, ſome deer friend, or at leaſt ſome acquaintance in the preſent unhappy war enſuing this moſt damnable treaſon, plotted by him and his confederates, the particulars whereof you will finde in order, which are in themſelves ſo copious, and ſatisfactorie, that it will not need any other pointing out then the order it lies in:

Here followeth a Proclamation Publiſhed upon the firſt diſcovery of the Plot.

A Proclamation,
By the Lords Juſtices and Councell.

W. PARSONS. Io. BORLASE.

THeſe are to make known and publiſh to all his Majeſties good Subiects in this Kingdome of Ireland, that there is a diſcoverie made to us the Lords Juſtices and Counſell, of a moſt

diſloyall and deteſtable conſpiracie intended by ſome evill affected Iriſh papiſts, againſt the lives of Vs, the Lords Iuſtices and Counſell, and many others of his Maieſties faithfull Subiects univerſally throughout this Kingdome, and for the ſeizing not onely of his Maieſties Caſtle of Dublin, His Maieſties principall Fort here but alſo of the other Fortifications in this Kingdome: And ſeeing by the great goodneſſe and abundant mercy of Almighty God to His Maieſtie and this State and Kingdome thoſe wicked conſpiracies are brought to light, and ſome of the conſpirators committed to the caſtle of Dublin, by Us, by his Maieſties Authority ſo as thoſe wicked and damnable plots are now diſappointed in the chief parts thereof, We therefore have thought fit hereby not onely to make it publikely known, for the comfort of his Maieſties good and loyall Subiectes in all parts of the Kingdome, but alſo hereby to require them that they doe with all confidence and cheerefulneſſe betake themſelves to their owne defence, and ſtand upon their guard, ſo to render the more ſafety to themſelves and all the Kindome beſides, and that they adverriſe Us with all poſsible ſpeed of all Occurents which

may

may cencerne the Peace and ſafety of the Kingdome, & now to ſhew fully that faith and Loyaltie, which they have alwaies ſhown for the publike ſervices of the Crowne and Kingdome, which We will value to His Maieſtie accordingly, and a ſpeciall memorie thereof will bee retained for their advantage in due time, And We require that great care be taken that no levies of men be made for forraine ſervice nor any men ſuffered to march upon any ſuch pretence.

Given at His Majeſties Caſtle at Dublin, 23 *Octob.* 1641.

R. Dillon. Ro. Digby. Ad. Loftus. I. Temple. Tho. Rotheram. Fr. Willowby. J. Ware. Rob. Meredith.

God ſave the King.

Imprinted at Dnblin by the Society of Sationers, 1641.

The Rebellion (notwithſtanding this Proclamation) went on ſtill, for though it took not at Dublin, where this L. *Macguire*, *Macmahan*, and ſome other conſpirators were diſcovered, and appreden ded, and many of the Rebels were diſperſed by reaſon thereof; Yet they called them in again from time to time, by Warrants, (of which ſort here is the coppy of one under *Plunkets* owne hand,) and have ever ſince continued this Rebellion.

By the right Honourable the Generall Aſſembly of the confederate Catholiques of *Ireland*.

THeſe are to will and command you forthwith to make diligent ſearch and inquiries within your ſeverall Townes, Villages, Quarters and Corporations, for all ſuch Souldiers as are come from the Fort of *Duncannon*, ſithence the late ceſſation, which were under the command of Captaine *Ralph Capron*, and Captaine *Edward Aſhton*, and whereſoever they or any of them ſhall be found, their bodies to reſtrain and deliver unto the ſaid Captains upon demand by the ſaid Captaines, or either of them, the ſaid Captains faithfully promiſing not to inflict any further puniſhment upon the ſaid ſouldiers or any of them, for this their firſt fault, whereof you may not faile, as you and every of you will anſwere the contrary. And for ſo doeing, ſhall be a ſufficient warrant.

Given at Waterford *the* 15*th. of* November 1643.

N. Plunket.

To all his Majeſtie Sheriffs, Soveraignes, Portriffs, Bayliffs, Collonels, Captaines, Commanders and other Officers whom it may concerne within the County of Wexford *or elſewhere.*

And in this bloody Warre plotted and begun in Ireland by this Lord *Maeguire*, and his Confederates, and ſeconded in England: How many thouſand of men women and children have loſt their lives; and for this the Rebels plead great Authority as appeares by this Declaration following.

A Declaration of the Lords, Gentry, and others of Leinſter and Munſter, of their intentions towards the Engliſh and Scotiſh Proteſtants, Inhabitants within this Kingdome.

WHereas we are informed, that it is generally conceived and believed by the Engliſh, and Scotiſh protniſtants inhabitants of this Kingdom, that we the Lords, Gentry, and others of the ſaid Kingdom have taken Arms, and taken Forces, for the extirpation and baniſhing of them out of this Kingnome, thereby to acquire to our ſelves their goods and eſtates: we therefore deſire to be rightly underſtood: for wee hereby declare, that we never conſented, nor intended, nor neither will intend, nor condeſcend to any ſuch act, but do utterly diſclaime them: but that each man known to be a moderate conformable Proteſtant, may (as well as the Romiſh Catholicks) reſpectively live and enjoy the freedome of their own Religion, and peaceably and quietly poſſeſſe their own eſtates, ſo far forth as they, or any of them, ſhall joyne with us in this Oath following:

I A. B. *Doe in the preſence of Almighty God, and all the Angels and Saints, and by the Contents of the Bible, promiſe, vow, ſweare and proteſt, to beare true faith and Allegiance to our Soveraigne Lord King* Charles, *and the heires and ſucceſſors of his body begotten, and will defend him and them, as far*

far as I may, with my life, power, and eſtate, againſt all perſons that attempt any thing againſt his or their Perſons, Honours, Eſtates, and Dignities: and that I will with the expoſing of my life, power, and eſtate, joyn with the ſaid Iriſh or any other, to recover his eſtate, royall prerogatives forcibly wreſted from him by the Puritanes, in the Houſes of Parliament in England, and to maintaine the ſame againſt them and all others, that ſhall directly or indirectly indeavour to ſuppreſſe or doe any act contrary to regall government; as alſo to maintain Epiſcopall Juriſdiction, and the lawfullneſſe thereof in the Church, powers and Priviledges of Prelates, and the Lawfull Rights and Priviledges of the Subject: And I will doe no act or thing directly or indirectly, to hinder the free and publike excercize of the Roman Catholik Religion in any His Majeſties Dominions [illegible] *with, and be aſsiſtant to the members of this Common-wealth for redreſſe to be had of the grievances and preſsures thereof in ſuch manner and forme as ſhall be thought fit by a lawfull Parliament, and to my power as far as I may I will oppoſe and bring to condigne puniſhment, even to loſſe of life, liberty and eſtate, of all ſuch as either by force, or practice, councells, plots, conſpiracies or otherwiſe, doe, or attempt any thing to the contrary of any Article, Clauſe, or any thing in this preſent Oath, Vow, or Proteſtation, contained, and neither for reward, feare, or puniſhment, or any reſpect whatſoever, ſhall relinquiſh this Oath and Proteſtation. So help me God.*

Nota bis.

This Declaration and Oath was entred inthe Counſell Book of Kilkeney, and this is a true copie thereof. Witneſſe the hand of

Jeremy Green, Clerk of the ſupreme Councell of Kilkeney.

God

God ſave the King.

By the Confederate Catholikes of the Supreme Counſell.

WHereas the Scottiſh Armie in the Province of Ulſter, and other their adherents, in the ſaid Province, and other parts of the Kingdome, have of late (as often before taken) a Traiterous Oath of Covenant againſt His Sacred Majeſtie, his Crowne, and Dignity, and made an unchriſtian and prophane Vow for the utter extirpation of the Iriſh Nation, and totall ſuppreſſion of the Catholike Romane Religion, Subverſion of Monarchicall government, and introduction of confuſed Anarchy within this Realme: and not contented with the inhumane and unparalleld Maſſacres by them committed on poore laborers, women, children, and many thouſands of other Innocents of our Nation, without diſtinction of age, ſex, or condition, before the concluſion of the Ceſſation at Siggins Towne, on the 15th. of September laſt, notwithſtanding continuall depredations, robberies, theſts, burnings, and deſtruction of all the

the Corne and Inhabitants in many Counties and Territories within the ſaid Realme, and elſewhere by them acted before the ſaid Ceſſation: the ſaid traiterous Covenanters receiving their maintenance, ſupport and orders, from the Rebells now in armes againſt His Majeſtie in England; have augmented, and do rather multiply and increaſe, then diminiſh their exhorbitant courſes: and whereas the ſaid rebells have joyned in a ſtrict union & confederation to deſtroy the Iriſh Nation root and branch (as they terme it) and their Miniſters and adherents, by their directions, at Sea as well as Land, do exerciſe no leſſe cruelty: For, as oft as Shipping do meet any weaker Veſſels at Sea, tranſporting men from this Kingdome for His Majeſties ſervice in England, if Iriſh men, Though Proteſtants, and Valiant and uſefull ſervitors againſt the Confederate Catholikes in this Warre, the Iriſh are thrown over board, as doth appear by the late throwing into the Sea, & drownig of an Iriſh Company of Foot of Colonell *Willowbies* Regiment, all Proteſtants, and ſervitours as aforeſaid; and many women in their paſſage from Dublin to Briſtoll, by one of the pretended Parliament ſhips, and ſundry other examples of that kinde, againſt the Law of Warre and Nations. And whereas the ſaid Scottiſh Army, all compoſed of Rebels and Aſſaſſinates, are now in their march in great numbers towards the three Provinces of this Kingdome, to accompliſhe the plots and machinations aforeſaid: And whereas the ſaid Rebells in England have provided a great Navy, a conſiderable part whereof doth ſurround the the Seacoaſt in this Kingdome, and are reſolved the

next Summer, if it reſt in their power, which God defend, to land great Forces in the Province of Munſter and Leinſter: and the ſaid Rebels of Scotland have the like deſigne of landing of Forces in the parts of Ulſter next unto the Province of Connaght: And whereas the Auxiliarie Forces of the three Provinces, deſigned and raiſed for the neceſſary defence of our Religion, King, and Nation, are now marched to the Province of Ulſter under the Command of our very good Lord the Earle of *Caſtle haven*, Generall, appointed by the laſt Generall Aſſembly for the expedition of Ulſter, to repell the ſaid fury and inſolencie of the ſaid Rebels. Wherefore we hold it of abſolute neceſſity, for the ſafety of the Kingdome, and His Majeſties intereſt therein, that all the ſaid other three Provinces be forthwith in Armes, as well to preſerve themſelves at home from the ſaid intended invaſions, as alſo to be ready to aſſiſt the ſaid Army abroad, marcht into Ulſter, if need require.

We doe therefore by this publike Act and Proclamation, order, command, and require all the Lords, Knights and Gentlemen, Freeholders, and all other perſons, from the age of 18. yeares, to the age of 60. forthwith to put themſelves in armes and poſture of defence, and ſuch as want armes and ammunition, and are able, are hereby required to provide the ſame forthwith, for themſelves, their ſervants and retinue. And for the better effecting this high and important ſervice, we do hereby require, order, & command all and every the Governours, Deputy Governours, Majors, Sheriffes, and all other Head-Officers of the reſpective Counties, Cities, and incorporate Townes of this Kingdome, within our quarters,

viz. the Governours, Deputie-Governours, in the Counties where they are Governours, to call to aſſiſtance the High Sheriffe, and two or more of the Commiſſioners of the Array and in the Countie swhere there is no Governour, the High Sheriffe, calling to his aſſiſtance three, or more of the Comiſsioners, of the Array: and in the Cities, and Corporate Townes, the Major and other Head-officers, taking to aſsiſtance the recommended Sheriffes and Bailiffe thereof, or any one or more of them, forthwith to ſummon all the Lords, Knights, Gentlemen, and Free-holders, and others, able and fit to beare armes, betweene the ages aforeſaid, to appeare well armed upon a certain day, and in a certain place, within the ſaid reſpective Counties and Townes reſpectively, and upon ſuch appearance, to inliſt the names, firnames, age, Armes, and Ammunition of every perſon, who will ſo appeare, in a booke fairely written, and the ſaid Governour, Deputy-Governours, Majors, High Sheirieffs, and other Head-Officers, taking to their aſſiſtance, as aforeſaid, are hereby required and authorized to impoſe Fines, to the double value of the Armes and Ammunition, upon any perſon or perſons ſo ſummoned, that will make default, who ought to have according to the meaning of this our Proclamation, and of other our former Proclamations, to this effect: and to impoſe the ſingle value of the Armes he ſhould have, upon ſuch as will appear, and not bee Armed as becommeth: And wee require the ſaid governours, and other Officers aforeſaid, at their perills to make due returne unto the generall Aſſemblie now neer at hand, or unto us, in a faire booke fairely written, of the

the number, names, ſir-names, Armes, Amunition, defaults, and fines aforeſaid, at the furtheſt, by the ſixth day of the moneth of Auguſt.

Given at Kilkeney the 6. of July 1644.

Mount-Garret. Fz. Tho. Dublin. Antrim. Nettewill. Arthur Iveagh. John Cloynfeet. Tho. Preſton. Edmond Fitz-Morris. Rich. Bealing. Tirlogh O Neile. Patrick Darcy. George Comins.

Printed at Waterford by THO. BOVRKE, Printer to the Confedrate Catholikes of Ireland.

I Cauſed this Declaration and Proclamation to bee printed here in England, and will juſtifie it to be their act upon oath.

Lazarus Haward.

My lodging at Maſter *Sretchers* in the *Tower Bulwarke.*

But to come to the particulars of the tryall of the Lord *Maguire*; which was thus:

The coppy of the Indictment.

Dom. Rex Cont. *Conner Maguire alias Cornelius Maguire.*

BY the indictment, the defendent *Cornelius Maguire* Eſquire, that is now priſoner at the Barre, is charged that he, together with Sir *Phil. O Neale*, *Philip O Relly*, *Roger Moore*, Arm. *Roger Maguire* Eſquire, *Teole O Conly* Clarke (being a Romane Prieſt) *Hugh Mackmahune*, and divers other perſons, falſe trayters unknowne, as a falſe-trayter againſt the Kings Majeſtie, His Supreame leige Lord; Not having the feare of God in his heart, nor conſidering his duty or allegiance, but being ſeduced by the inſtigation of the Devill, Intending altogether to with draw, blot out and extinguiſh the Cordiall love and due obedience which faithfull Subjects owe to their Soveraigne.

20. *Oct.* 17. *Car.* At Dublin in Ireland in the parts beyond the ſeas, and at divers other times both before and after, as well at Dublin as elſewhere, falſely, malicioufly & traiterouſly did conſpire imagine & compaſſe utterly to deprive and diſinherit the Kings Majeſty of His Royall Eſtate & Kingdome of Ireland. To bring His Majeſties Perſon to death and deſtruction, To raiſe ſedition & breed and cauſe miſerable ſlaughter and deſtruction amongſt the Kings Subjects, throughout all the whole Kingdom, To make an inſurrection and Rebellion againſt the King His Soveraigne, To levy publique open bloody and fierce War againſt the King in that Kingdome, To change and alter according to their own wills, the government of the Kingdome, and the Religion there eſtabliſhed, and totally to ſubvert the well ordered State of that Common wealth

wealth, To procure and bring in dive s ſtrangers and forreiners (not being the Kings Subjects) in a Warlike manner to invade that Kingdom of Ireland, and to levy Warre there.

And in execution of theſe their wicked treaſons, and traiterous conſpiracies. 20. *Octob.* 17. *Car.* the defendant *Conner Maguire* at Dublin, and divers other times and places, By one *Toole & Conley* and divers other meſſengers by him ſent to *Owen O Neale*, being then in Flanders, did move and incite *Phil. O Neale* to levy and raiſe an Army in Flanders, and thence to bring that Army over into Ireland, in an Hoſtile manner to invade that Kingdome.

And further, to put in execution their traitereus purpoſes, the defendant, together which *Hugh Mac Mahun*, *Philim O Neale*, *Philip O Rely*, *Roger More*, *Roger Maguire*, and *Toole O Conley* the Prieſt. 20. *Oct.* 17. *Car.* at Dublin and divers other times and places in Ireland, before and after, did traiterouſly conſpire to enter into, ſeiſe get into their owne power, and to ſurprize the Kings Caſtle at Dublin, and all other the Kings Caſtles and Forts in that Kingdom, & the Magazine therein, And at the ſame time unlawfully and traiterouſly did indeavour and actually attempt to gaine into their poſſeſſion and power, and to ſurprize the ſaid Caſtle of Dublin, and the Munition therein.

That the defendant with the other perſons named, *Philip O Neale* and others, further to bring to paſſe their moſt horrid wicked treaſons and conſpiracies.

22. *Octo.* 17. *Car.* At *Charlemont* and other places before and after, being armed and arayed, with a great multitude, in a Warlike manner, with Banners diſplayed, Drummes, Swordes, Staves, Gunnes, and other inva-

ſive and defenſive weapons, did falſly and Traterouſly prepare and levy open fierce and bloody War againſt the Kings Majeſty, And the ſame 22. *Octo.* ſeiſed and ſurpriſed the Kings Fort at *Charlemont*. And then and there maliciouſly and Trayterouſly did kill and murder *Toby* Lord *Caufeild*, *Francis Davies*, and others of the Kings Subjects that were Proteſtants.

That the defendents, 4. *Junij.* 18. *Car.* at the Caſtles of Keilagh and Cragan, and other times and places before and after, levyed War ſeiſed and ſurprized thoſe Caſtles, and did kill and murder, *Owen Powell*, and *William Cofens*, and many other of the Kings Proteſtant Subjects in that Kingdome.

Which ſeverall offences are laid againſt his duty and allegiance, againſt the Peace of the King His Crowne and dignity, in manifeſt breach and contempt of the Lawes and Statutes of this Kingdome,

The defendant pleaded not guilty: And being demanded how he would be tryed?

The Copy of the plea.

HE pleaded the Statute of *Magna Charta*, 10. *Febr:* 9. *Hen:* 3. that none ſhould be condemned but by tryall of his Peers, and pleaded the Statute of 10. *Hen:* 7. that all the Statutes made in England ſhould from thenceforth be in force in *Ireland*.

And pleaded that before the time of the ſeverall Treaſons charged in the Indictment, *Bryan Magnire* his father by letters Pattents was created Baron of *Enikellyn* in *Ireland*, to him and the Heires males of his body, by force whereof his father was ſeiſed of the Barony in Fee tayle, and 1. *Febr.* 12 *Car.* dyed ſo ſeiſed; after whoſe death, the

the Barony diſcended to the Defendants: by vertue whereof he was a Baron of *Ireland*, and that at a Parliament held at *Dublyn* 16. *March.* 16. *Car.* which was there continued till 7. *Aug.* after, and then adjourned to the 9. of *Nov.* following, and then prorogued to 24. of *Febr.* thence next following, and from thence continued till 24 *Jun.* 18. *Car.*

That he was as one of the Noble men and Peres of that Parliament, and that 23. *Oct.* 17. *Car.* he was arreſted and impriſoned upon pretence of the ſeverall Treaſons in the Indictment mentioned, and there continued till 12. *Jun.* 18. *Car.* when he was brought againſt his will to *Weſtminſter*, and thence committed to the Tower of London in ſtrict cuſtody, And averred hir Plea and prayed that he might be tryed and Judged by his Peeres in *Ireland.*

Whereunto the Kings Councell demurred in Law,
And the Defendants joyned in the Demurrer.

Vpon this plea of the L. *Maguire* the beginning of *Hillary Terme.* Judge *Bacon* delivered his judgement, that a Barron of Ireland was tryable by a Jury in this Kingdome: after which the Houſe of Commons declared their Aſſent unto his opinion, in this following Vote.

Die Sabbathi 8. Febr. 1644.

Reſolved upon the queſtion,

THat the Houſe doth approve of the Iudgement given by *Maſter Iuſtice* Bacon, *in over-ruling the Plea of the*

Lord

Lord Maguire *and of the manner of the tryall upon the Indictment of High Treaſon in the Kings Bench, and the Iudge is hereby required to proceed ſpeedily thereupon according to Law and Iuſtice. The Lords concurrence to be deſired herein, Maſter Recorder is appointed to carry it up.*

Vnto this Vote of the Honourable Houſe of Commons the Houſe of Peeres afterwards declared their concurrence, and thereupon this enſuing Order was paſſed by both Houſes of Parliament.

Die Lunæ. 10. Feb. 1644.

ORdered by the Lords and Commons in Parliament Aſſembled, that the ſaid Houſes doe approve of the Iudgement given by Maſter Iuſtice Bacon, in over ruling the Plea of the Lord Maguire, and of the manner of the tryall upon the Indictment of High Treaſon in the Kings-Bench, and the Iudge is hereby required to proceed ſpeedily thereupon accordingly, to Law and Iuſtice.

Iohn Browne, Cler. Parl.
Hen. Elſing Cler. Parl. D. C.

The

(8.)

The Triall of *Connor Macguire*, Baron of *Enneskellin* in Ireland (a grand Iriſh Rebell) at the Kings-Bench Barre,

On Munday Febr. 10. *and Tueſday Febr.* 11. 1644.

ON Munday, February 10, the Lord *Macguire* (one of the chiefe Actors in that unparall-lel'd and unheard of Rebellion in Ireland) was brought from the Tower of London, by the Guard belonging thereunto, unto the Kings-Bench Barre, where he was arraigned by the name of *Connor Macguire, alias, Cornelius Macguire* Eſquire, (for his plea of Peerage was found invalid, and ſo declared by the Court, and that opinion of the Judge was ſince aſſented unto, and confirmed by both Houſes of Parliament:) at his coming to the Barre the Priſoner ſpake as followeth.

Macguire. I do humbly move, that I may have time allowed me by this Court to ſend for my Witneſſes.

Iudge. You have had a long time; you were indicted about the beginning of the laſt Terme, you might have prepared Witneſſes the laſt Terme.

Mac. I did not expect a Triall.

Iudge. You ſhould expect it at your perill.

Mac. I was told, when I came into the Kingdome, that I might have Witneſſes.

Iudge. The proofe lies upon the Kings part.

Mac. Though the proofe be of the Kings part, yet I muſt have time to cleere my ſelfe.

Iudge. But if every man ſhould ask ſo much time as you require, he ſhould never come to his Triall.

Sergeant Whitfield. Mr. Juſtice *Bacon*, we know that my L. *Macguire* was indicted here the laſt Terme, he was arraigned at this Barre, he pleaded, *Not guilty*, he could not but expect that he had then been tried, if it had not been for the plea of Peerage, that he then put in, upon which he knows there was a deliberate diſpute, and he could not tell but that there would be an end before this time; and if he had had any Witneſſes, he might have ſent for them the laſt Terme: but it is a very unuſuall courſe, eſpecially in that he could not but expect that he ſhould be tried before this time, but then the Court did conceive this was a legall information. No place is mentioned by the Priſoner where the Witneſſes ſhould be, nor are they named who they are, nor any particular thing that they ſhould teſtifie: but the proof lies cleere on our part; there's no juſtification in Treaſon, if we prove that this Lord hath committed Treaſon, there's no juſtification of that, by any Witneſſes he can produce.

Iudge. The Lord *Grey*, that was L. Deputy of Ireland, committed his Treaſons in Ireland, for which hee was brought over hither, and tried here, yet the Court did not ſtay for his ſending over into Ireland for Witneſſes.

Mac. I deſire Witneſſes.

Iudge. What can your Witneſſes ſay for you? Can they ſay thus much, That you did not conſpire, as this Indictment charges you? that there was no taking of theſe Caſtles?

ſtles? Can they ſweare in the Negative? the proofe lies in the Affirmative on the Kings Part?

Mac. They may be miſ-informed.

Judge. Who may be miſ-informed?

Mac. The Court. I have been kept cloſe priſoner a long time, and could not provide my Witneſſes.

Ser. Whitfield. If we were not tied to that, to nothing but his own Confeſſion, there's enough to condemne him, for that he ſaies he was kept cloſe priſoner, he might have deſired that the laſt Terme.

Sergeant Roll. If we go upon your own Examination, the witneſſes concurring with that, what can you have?

Judge. If you had witneſſes here, we would hear them, but to ſtay upon a meere verball ſuppoſall, for thoſe witneſſes in Ireland, they may be in that rebellion too, and they will never come hither, and ſo the matter muſt never come to a Triall.

Mac. I deſire that it may be the next Terme.

Judge. We cannot protract time; they are the Kings Witneſſes, there are (I ſuppoſe) divers here, many Witneſſes of the Kings come out of Ireland, if you will aske them any Queſtions for your defence, you ſhall: There are many Witneſſes of the Kings that know how things were in Ireland, the Court ſhall put them to ſpeake.

Mac. I humbly deſire to have a formall Triall.

Judge. In what reſpect do you meane? I think it is ſo now: Now you are come to be arraigned, and the evidence is to come in againſt you, I conceive it is a formall one.

Then the Priſoner was required to hold up his hand at the Barre, and it was demanded, if he would challenge any of the Jury that were to paſſe upon him in matter of life and death.

Then the Jury being called, he lookt upon them, and

challenged thoſe which did appeare, being 23. there being onely one abſent, being demanded whether his challenge was peremptory or no? He anſwered, it was, for cauſes beſt knowne to himſelfe.

Jury challenged.

Sir *William Brownelow*, Knight and Baronet.	*John Pawlet*, Gentleman.
Sir *Henry Row.*	*Thomas Poltock*, Gent.
Sir *Matthew Howland.*	*Henry Smith*, Gent.
Thomas Marſh, Eſquire.	*Francis Child*, Gent.
Thomas Wilcox, Eſquire.	*Edward Wilford*, Gent.
William Lane, Eſquire.	*William Vincent*, Gent.
Edward Rogers, Eſquire.	*John Barnes.*
Edward Claxton, Eſquire.	*John Arnold.*
Richard Zachary, Eſquire.	*John Huckſley*, Eſquire.
Humphrey Weſtwood, Eſquire.	Sir *James Harrington*, Knight
John Jackſon, Eſquire.	*Thomas Moore*, Eſquire.
	Henry Arundell, Gent.

Ser. Whit. The Priſoner hath challenged all the Jury that does appeare, 23. appeares, and he hath challenged them, and his challenge is for cauſes beſt known to himſelf, which is a peremptory challenge. Truely, it is that which the Law doth allow, and we do not oppoſe it, but we doe deſire that wee may have another Writ returnable to morrow.

Judge. You muſt have a *Venire facias.*

Ser. Whit. This cauſe is a cauſe of very great weight, there are many Witneſſes that have long attended in Court, we are informed, that ſome of them are gone away into Ireland; that there is the Sheriffe of *Dublin* and ſome others that are now preſent in Court, that cannot be here, if wee ſhould deferre this Triall, as the Priſoner doth deſire, and we do deſire that it may be referred till to morrow, we ſhall be ready to give in evidence againſt him.

Iudge.

Iudge. He hath ſpent three daies this Terme already, this is the fourth; we would have proceeded now, but for his peremptory challenge, but if we ſtay till to morrow hee muſt be content to be tried by a meaner Jury.

M. Prynne. This being a publique caſe, we deſire a ſpeedy progreſſe in it, our Witneſſes have been long detained here, and cannot attend till the next Terme, ſome of them being to depart within two daies.

Iudge. A publike caſe muſt have publike juſtice on both ſides: for your Witneſſes, you ſhall ſtay your Witneſſes here. We muſt do that, which the Law doth allow.

Ser. Whit. The Law does allow of his peremptory challenge, we deſire to have a new Writ, and that it may be returnable to morrow. For the doing of it, we ſhall leave it to thoſe that are to proſecute it, and to the Sheriffe.

We ſee that this cauſe cannot be tried this day, we deſire we may have a ſpeedy end of it, there have been many days ſpent in it, & we that are of Counſel for the King do deſire, that we may conferre together, departing the Court for ſome time, and when we have conferred together, we will return to the Court again, and then we wil propound to you what courſe we do deſire for the ſpeedy Triall of this cauſe.

To this motion the Judge aſſented, and Ser. *Whitfield* and the reſt of the Counſell went to conſult together about it, and after a ſhort ſtay, upon their returne, *Ser. Whitfield* ſpake thus:

Ser. Whit. We that are of Counſell for the King, have conſulted together with the Clarke of the Crowne, and the Secretary, we have withdrawne our ſelves, and peruſed ſeverall preſidents, and we doe finde by ſeverall preſidents, that whereas a peremptory challenge ſhall be, it is in the power of the Court to order the courſe of Triall, and the courſe is this:

There

There goes a Writ to the Sheriffe, that he ſhall diſtraine all them that make default, and that he ſhall amove thoſe that are challenged by the Priſoner; and further, that he ſhall returne ſo many more for the Triall: this we conceive to be the conſtant courſe of this Court; and in this caſe my Lord *Macguire* having challenged 23. of the 24. we are to diſtraine the other that made default, and to amove the 23. that he hath challenged of them, and have a *Tales* returnable to morrow for a new Jury.

Ser. Roll. That was in *Standiſhes* Caſe, and *Friars* Caſe!

Iudge. I know the Court may grant a *Tales*, but the matter is, whether it can be done ſo ſoon as to morrow, or no, if the Sheriffe can do it to morrow.

Ser. VVhit. We doe find this in the Preſident of *Friar*, That in 3. *Hen.* 7. the Jury did appeare on Friday, and all thoſe that did appeare were challenged, and there was a *Diſtringas* returned the next day, which was Saturday. It may be *immediatè*.

Iudge. Then make your *Diſtringas* againſt to morrow morning, make out a *Quadraginta Tales* againſt to morrow.

Mac. I deſire I may not be ſo ſeverely dealt with.

Iudge. It hath been ſo oftentimes, and the Court doth proceed in theſe Caſes *de die in diem*, from day to day, and there is no difficulty in the granting of it, but whether the Sheriffe can returne it ſo ſoone.

If the Kings Councell will have it to morrow, the other buſineſſes of the Court muſt be put off.

Hereupon the Priſoner was diſcharged, and a Rule granted to the Lievtenant of the Tower to bring him again the next day.

On

ON Tueſday Febr. 11. the L. *Macguire* was againe brought to the Kings-Bench Barre, where he made a motion that his Plea of Peerage might be referred to another Court. To which it was anſwered.

Ser. VVhit. We know not for what end this motion is, and we know this, that this is no time for my Lord to make this requeſt; for you know how farre we have proceeded, he hath been arraigned, and indicted of high Treaſon, and one Jury he challenged, the other is returned, ſo as now he is in the way of his Triall; we are now to proceed with ſuch evidence as we have, to proſecute inſtantly: We do not deſire this to be produced againe, and if it bee, we know not how it could be materiall one way or other.

After this the Lord *Macguire* further urged the Court to the former purpoſe, to which it was anſwered, that he was then brought to his Triall as a Priſoner upon the Indictment, and that both the Lords and Commons had approved of the opinion of the Court therein.

Mac. Pleaſe you Sir, One word more: I deſire to appeale to the Lords.

Ser. VVhit. When one is come here, to appeale to the Lords, that was never knowne: now you have put your ſelfe upon the Country.

Mac. Under favour, I conceive I may, to an higher Court.

Iudge. It cannot be granted, the Lords approved it; if you would have gone to an higher Court before, you might have taken your courſe, now the Jury is returned, and you are appointed to be tried here.

After this the Lord *Macguire* deſired further to appeale, to which the anſwer was: *Ser. VVhit.*

Ser. Whit. Here lies no ſuch appeale here; you are out of the Eccleſiaſticall Court, there is no ſuch Plea here; you are now upon the middle of your Triall, we deſire you may go on, you have challenged 23. of the Jury already.

Iudge. We have no ſuch Courſe in the Common Law, if a man will appeale from me, I cannot let him appeale to any man.

Upon this, theſe of the Jury following were named, which he challenged: *viz. George Hanger* Eſquire, Sir *Michael Wharton, Iames Hawley* Eſquire, *George Smith* Eſquire, *Edmund Beſley* Eſquire, *William Ewrsby* Eſquire, *Stephen Bourman* Gent. *George Weaver-Baſſet, I. Nicolls* the younger, *Henry Walker* Gent. *Randolph Nicoll, Andrew Brent.* Upon his challenging of theſe, which being added to the reſt, make 35. in all, the other Jury being about to be called, the L. *Macguire* moved:

Mac. Under favour, I conceive, that my lands being ſequeſtred, thoſe men that have bought my lands, ſhould not paſſe upon my Triall; and therefore I deſire they may make anſwer to it upon oath, whether any of them have adventured or no.

Ser. Whit. To deſire, that an whole Jury may be demanded ſuch a queſtion upon their oath, is that that hath not been known: if my Lord *Macguire* have cauſe now againſt any, he hath run out the liberty which the Law gave him, to challenge 35. peremptorily: now if he ſhould challenge any more, he muſt make a particular challenge to every particular man that comes to be ſworne, and he muſt have ſuch a challenge notwithſtanding as is warrantable by Law; but this general challenge is not warrantable by Law; and if it were particular, it were not warrantable neither.

Ser. Roll. If you will challenge any more, the Law does not debarre you to ſhew cauſe.

Mac. I

Mac. I conceive, that any that have given money for Ireland for my diſtruction, ought not to paſſe againſt me.

Ser. Whit. This is for the King, this is for no particular Perſon whatſoever.

Mac. I beſeech you heare me in it.

Judge. You know this that the King cannot grant it without the conſent of both Houſes, and in this caſe it may be put to the Jury to try upon their Oath: thus farre I ſhall agree, that if any of this Jury be to have any particular benefit in Ireland, of land or goods by his Attainder, it is good, but if his Lands come to the King, and that the King is no way bound to give it any of them, it is no Challenge: looke the Statute.

Mr. Prynne. Under favour M. I B. it doth not appeare to the Court, that the Priſoner hath any Lands or Goods in Ireland, and therefore no ſuch queſtion is to be demanded of the Jury.

Judge. You may make needleſſe diſputes upon it.

Then the Jury being accordingly required to anſwer upon Oath; whether they had adventured, or had any ſhare in Ireland for the Rebels Land: *Macguire* deſired the Queſtion might be, whether they themſelves, their children, or brothers? But that would not be agreed unto, as being unreaſonable: Then the Jury following was ſworne: *I. Carpenter, John Cooper, A. Cordall, Rich. Atkinſon, Joſias Hendall, William Greenwood, William Barnes, Robert Stiles, George Norfolk, Edw. Hudſon, John Wait, Eſah Risby*, The Oath which they tooke was this;

You ſhall well and truly try, and true deliverance make between our Soveraigne Lord the King, and Connor Macguire *Eſquire, now priſoner at the Barre, and a true verdict give according to your evidence.*

The Jury being ſworne, *Macguire* moved that he might have a Jury of 24. to which it was anſwered.

Judge. There have been 40. named.

Mac. Under favour, I conceive, I ought to be tried by 24. there were ſo many returned at firſt.

Judge. They returned 24. that is, becauſe if any of them did faile, and ſome may be challenged, then there might be 12. left.

Mac. Under favour, I conceive, there ſhould be 24. now left for my Triall.

Judge. You are deceived in that. You challenged 23. and ſo there were 40. more added, now you have challenged 12. of this 40. and out of them there remaines ſo many as will make up a Jury of 12.

Then the Court proceeded to his Triall, and the Indictment againſt him was read. After which, the Court proceeded, ſaying:

Gentlemen of the Iury, Upon this Indictment he hath beene arraigned, and to his arraignment he hath pleaded, Not guilty, *and thereupon put himſelfe upon his Countrey, and your charge is to inquire whether he be guilty of the Indictments, or any of them, if you finde him not guilty, you are to declare it, if guilty, then you are to give in evidence againſt him.*

M.N. M. Iudge Bacon. You obſerve by the Record that hath been read to you, that the priſoner at the Barre ſtands indicted of ſeverall treaſons, wherein it is found, That *Connor Macguire*, &c. as before in the Indictment. Now Gentlemen, you of the Jury, if it ſhall be proved to you, that the priſoner at the Barre is guilty of all, or any of theſe treaſons, then you are to give your Evidence.

Then theſe Witneſſes following were ſworne to give in evidence againſt the Priſoner.

The Lord Blaney. *Lady Calfield.*

Sir

Sir Arthur Loftus.
Sir John Temple.
Sir William Stewart.
Sir Francis Hamilton.
Sir Edward Borlacy.
Sir William Cole.
Sir Charles Coot.
Mrs. Wordroſe.
John Carmicks.
Walter Gubſon.
M. Bunbury.
Captain Michael Balfoure.
Captain Beriſford.

Sir *William Coles* Teſtimonie.

S. W. You know (Sir *William Cole*) a great many of their names which you have heard that were conſpirators with this Lord, what Religion were they of?

Sir *W. Cole.* They were all Papiſts.

S. W. Who were they?

Sir *W. Cole.* The L. *Macguire*, Sir *Philom Oneale*, *Roger Moore*, &c.

S. W. Sir *Francis Hamilton*, Upon what occaſion was it, that the Conſpirators got an order to view the Magazine?

Sir *F. Hamilton.* I was a Member of the Houſe of Commons there, and I remember very well, there came a Meſſage from the Houſe of Lords to the Houſe of Commons, to let them know, that there was ſome plot for the blowing up of the Parliament houſe in Ireland, and they ſent a Meſſage, to deſire that they might ſearch under the Parliament Houſe, and there was a ſearch made, and (as I remember) the Lord *Macguire* was one of the Committee from the Houſe of Lords made ſearch there, but what they found, I do not know. Afterwards they deſired that they might ſearch the caſtle of Dublin, and other Magazines.

C. What was the cauſe?

Sir *F. Hamilton.* There was a Coachman of my Lord of *Straffords* that had uttered ſome big words, (as was given out) That the Parliament Houſe ſhould be blowne up, but what was the ground, I am perſwaded in my conſcience, it

was to know where the Store and Ammunition lay, that they might know where to ſurprize it.

Sir *William Stewards* Teſtimony.

I was one of the Committee that was ſent by the Parliament, and by Order from the Houſe of Lords, to ſearch the Parliament houſe, and the Lord *Macguire* was one of the Lords; they made a very ſtrict ſearch, and then they inquired for the Kings Magazine, and I believe my Lord *Macguire* now here was one of the Committee that went to ſearch for the Houſe of Lords, and he did ſearch very narrowly, and they were deſirous to know where the Store was.

The Lord B*laneys* Teſtimony.

C. Whether this ſearch were moved by the Lord *Finghall* and what was the end of it?

L. B*laney*. So neer as I can, I will give you the buſineſſe, it is ſo long agoe: this I remember, that there was one of the Lords houſe, whether it were my Lord *Finghall*, or my L. M*acary*, moved it, I cannot certainly deſpoſe, but I am ſure it was one of them: the occaſion was, one of the Earl of *Straffords* coachmen ſaid, he hoped to ſee ſome of the Lords blowne up for it, it was about a fortnight after the Earle of *Strafford* was beheaded here. Thereupon they got an Order for it, and ſo they went downe, and they did not finde the powder, but they made as narrow a ſearch as ever any was; I asked what the meaning was of this, for we had ſtrange cenſures of it our ſelves, ſaies of them, the L. C*lamorris*, they are affraid of a powder-plot of the Proteſtants? I anſwered, that I had heard a powder-plot of the Papiſts, but never of the Proteſtants in my life; but if you aske the reaſon of it, it was to aſſure themſelves of the ſtrength, for we found by wofull experience afterwards, it was their end. My Lord *Borlace* ſaid, let them not be affraid, for upon my honour there

there is no powder below. It's a great House, the House of Commons sit on one side, and the Lords on the other, and the Blockhouse in the middle.

C. What Religion is my Lord *Fingshall*, and my Lord *Clamorris*, of?

L.B. The L. *Fingshall* is a Papist, and *Clamorris* a pestiferous Papist!

S.VV. All Papists we shall now read the examination of the manner of his taking, and then his own examination.

The first we shall read is this, of M. *VVoodcock*, that was Sheriffe of Dublin he was in town, but he could not stay, but he was examined before this Court.

The information of John Woodcock *the* 27. *of October,* 1644. *taken upon oath before* J. Bacon.

The said Examinate deposeth and saith, That he being one of the Sheriffs of the said Citie of Dublin, in the year 1641. *having notice given him in the night, upon the* 22. *of October in the same year, of some great designe intended, did by vertue of his office walke up and down the City that night, and coming to the house of one* Nevill, *a Chyrugion in Castle-street, he understood by the said* Nevill, *that the Lord* Macguire *with some* 10. *or* 12. *others were there, this Examinate told him, it was fit for his guests to be in bed at that time of night, but the said* Nevill *did bring this Examinate word, that the Lord* Macguire *and his companie, were then going to bed, the said Examinate departed, setting a watch near his house, by which watch he was informed, that the said Lord* Macguire *and the rest were gone from the house, and were at the house of one* Kerne *a Taylor, whereupon he searched the said house, and there found some hatchets with the helves newly cut off close to the hatchets, five petronells, five or six swords, three or foure small pistolls, five or six skeines, with other armes of the L.* Macguires *in an house of office in the said house, in another place divers poleaxes, and also behinde a henroost some great weapons with sharpe pikes of iron in one end of them, the said* Kerne *affirming that he knew nothing of any of the particulars before mentioned, nor how they came in his house. The said Examinate*

nate hereof all the ſaid inſtruments unto the ſaid Lords Juſtices, and Counſell of Ireland, and thereupon the ſaid Lords Juſtices, and Counſell, commanded ſearch to be made for the ſaid Lord Macguire, *upon which the ſaid Examinate ſearching narrowly for him, at laſt found him, in a cocke-loft with a cloake wrapt about him, ſtanding by a bed the doore lockt upon him, there being no key to be found, as alſo the Maſter of the houſe flying away, and making an eſcape to the enemy.*

After this the Lord *Macguires* owne Examination was read, taken the 26. of March, 1642. (for as Sir *John Temple* declared to the Court, that the Lord *Macguire* was then brought to the Counſell-board and they could get nothing out of him) whereupon he was ſent back to priſon for that time.

The Examination of Connor *Lord* Macguire *Baron of Eniskillin, taken before us,* Charles *Lord* Lambert, *and Sir* Robert Meredith *Knight, Chancellour of His Majeſties Court of Exchequer the 26. day of* March, 1642. *by direction of the right honourable the Lords Iuſtices and Counſell.*

Who being examined ſaith, That about the time when M. *John Bellew* came out of England with the Commiſſion for the continuance of the preſent Parliament, *Roger Moore* in the ſaid *Moors* chamber in the houſe of one *Peter de Coſtres* of this Citie acquainted him this Examinate, that if the Iriſh would riſe they might make their own condition for the regaining of their own Lands, and freedom of their Religion, at which time the ſaid *Moore* alſo acquainted him this Examinate, that he had ſpoken with ſundry of Lemſter, who would be ready for that purpoſe, and withall told him this Examinate, that he was aſſured a good part of Conaght would doe the like, and thereupon moved this Examinate to joyne likewiſe with them, with all he could make; unto which motion he this Examinate yeelded: and the next day following there was a meeting in his the ſaid *Moores* chamber aforeſaid, where were Col. *Mac-Bryan, Macmahon, Tirelagh Oneale, Philip Mac-Hugh O Rely*, this Examinate,

minate, and *Roger Moore*, where diſcourſe was had on that buſineſſe, yet nothing concluded on, ſave that *Roger Moore* and the reſt ſhould go and prepare their parties. And this Examinate further ſaith, That about May laſt, he this Examinate, *Roger Moore*, *Philip O Rely*, and *Roger Macguire*, this Examinates brother, diſpatched a Prieſt, one *Toole O Conley*, who lived in Leinſter, unto *Owen Oneale*, into Flanders, to acquaint him with the buſineſſe concerning the generall Rebellion then in preparation, which ſaid Prieſt returned about a moneth before the time appointed for execution thereof. And the Anſwer which the ſaid Prieſt brought from the ſaid *Owen Oneal* was, That he would (within 15 dayes after the people were up) be with them with his beſt aſſiſtance and armes; and it being demanded why the ſaid *Owen* ſhould bring Armes, conſidering that the Caſtle of Dublin was to be taken, with the Armes therein, this Examinate anſwered, that they ſo provided for Armes, that they might not want any, in caſe they could not take the ſaid Caſtle, whereof they doubted. And this Examinate acknowledgeth, that the Caſtle of Dublin was to have been ſurprized by himſelfe, Capt. *Brian Oneale*, Capt. *Con Oneale*, Capt. *Macmahone*, one *Owen O Rely*, *Roger Moore*, *Hugh Macmahone*, Col. *Plunket*, and Capt. *Fox*, and likewiſe further acknowledgeth, that *Hugh Mac-Phelim*, Captaine *Con Oneale*, and *Bryan Oneale*, brought from *Owen Oneale*, out of Flanders, the very ſame meſſage which the ſaid Prieſt brought. And this Examinate further ſaith, that he was told by *Roger Moore*, that a great man was in the Plot, but he might not name him for the preſent: And at another time, and during the ſitting of the Parliament the laſt Summer, he this Examinate was informed by one *John Barnwell* a Franciſcan Frier, then reſident in this City, that thoſe of the Pale were alſo privy unto the Plot, (meaning the preſent Rebellion.) And laſtly ſaith, That of thoſe perſons who came to attend him this Examinate for the ſurprize of the ſaid Caſtle of Dublin, onely *Cohogh Madgwire* was privy unto the buſineſſe in hand, and that the laſt meeting (when the day appointed for execution thereof was reſolved on) was at *Lagh Roſſe*, where were preſent onely, *Ever Macmahone*, Vicar Generall of the Dioceſſe of *Clogher*, *Thomas Mac-Kearnan*, a Frier of Dundalke, Sir *Philom Oneale*, *Roger Moore*, and *Bryan Oneale*.

Charles Lambert.
Robert Meredith.

Concordat cum Originali.
Ex. per Parl. Harris.

This

This being read, and opened unto the Jury, being the L. *Macguires* free and voluntary confeſſion, which he afterwards acknowledged ſince his coming to the Tower, *viz.*

Memorandum, that this within written being ſhewed and read unto the within named Lord *Maeguire*, and himſelfe having peruſed the ſame, his Lordſhip did acknowledge the ſame to be true in all things, ſaving that he doth not now acknowledge that *Barnard* told him, that thoſe of the Pale were privy to the plot, neither doth acknowledge that *Cohanagh Macquire* was privy to the plot before his coming to Dublin.

This examination and acknowledgement was made and taken the 22. day of June, 1642. *Anno Regni Caroli, Regis decimo octavo*, before us.

John Bramſtone. *Thomas Mallet.*

In the preſence of John Conyers. William Ayloffe. Nathanael Finch.

24. June 1642. The examination of *Connor* Lord *Maguire*, Baron of Eniskillin, taken before Sir *John Bramſtone*, Knight, Lord chiefe Juſtice of the Kings Bench.

Who ſaith, That he is of the age of 36. yeares and upwards, and that he was borne in the County of Fermanagh in Ireland, and ſaith, that his Examination taken at Dublin the 26. day of March, 1642 before *Charles* Lord *Lambert*, and Sir *Robert Meredith*, with his acknowledgment thereof, the 22. of June before Judge *Bramſtone*, and Juſtice *Mallet*, is true, in ſuch manner as in the ſaid Examination and acknowledgement is expreſſed. *Connor Macguire.*

The Examination of Cornelius Maeguire, Lord Baron of Eniskillin in Ireland, taken before Iſaac Pennington, *Eſquire, Lieutenant of the Tower of London, and* Laurence Whitaker *Eſquire, 2. of His Majeſties Juſtices of the Peace, for the County of Middleſex, the firſt day of October*, 1644.

He

He denieth the receiving of any Letters or Meſſages out of England before the rebellion, nor did he ever heare of any. He ſaith, he was but a meane Inſtrument in the deſigne in Ireland, he confeſſeth, he intended to ſeize upon the Caſtle of Dublin, and the Magazine there, and keep it till they had redreſſe of ſome grievances, which they purpoſed to propound to the Parliament there, one whereof was, to have a toleration of the Romane Catholike Religion. Hee confeſſeth that he came accidentally to *Philip O Relyes* houſe, as he came up to Dublin, and as he remembreth, *Macmahon* was then there, and that his intention of coming up to Dublin, was to put the aforeſaid deſigne in execution, and that then and there they had ſpeech about that deſigne; but he remembreth not the particulars, which deſigne was to be put in execution the 23. day of October in that year, and that he was taken there that very day, being Saturday upon ſearch made for him, carried before the Lords Juſtices, examined, committed, and ſent over into England.

He ſaith further, that he made his eſcape out of the Tower of London upon Sunday the 18. of Auguſt laſt, about foure of the clock in the morning.

Laurence Whitaker. Iſaac Pennington.

John Carmichs Teſtimony.

That upon the 21. of October, 1641. *Fergus O Howen*, one of the Followers of *Brian Macguire* Eſquire, came to his chamber in the caſtle of Eniskillin, and after he indeavoured to bind him to keep ſecret a matter of great concernment, which *Fergus* ſaid he had to diſcloſe, and particularly to conceale it from Sir *William Cole*, and all other Engliſhmen. This Examinate told him, he would be ſecret ſo farre as it went with his Allegiance and conſcience. He diſcovered unto the ſaid Examinate, that the L. *Macguire* and *Hugh Oge Macmahon* accompanied with ſeverall Iriſh-men of the Counties of Fermanagh and Monaghan, did take their journeyes out of the ſaid Counties upon the 19. and 20. dayes of October 1641. to the city of Dublin, with reſolution and intent to murther and kill His Highneſſe Lords Juſtices, and Counſell of the Kingdome of Ireland, and the reſt of the Proteſtants there, and alſo to poſſeſſe themſelves of the city of Dublin, and to put all the Proteſtants there likewiſe to the ſword, and that to that effect there were other great men, and

 others

others of the Papiſts of that Kingdome to repaire unto, and meet them in Dublin on Saturday 23. Octob. 1641. or thereabouts; and that all the Caſtles, Forts, Sea-Ports and Holds that were in the poſſeſſion of the Proteſtants in the ſeverall Counties and Provinces in the Kingdome of Ireland, were then alſo deſigned and reſolved to be ſurprized and taken by the Iriſh Papiſts, and the Proteſtants in every of thoſe caſtles, Forts, Sea-ports and Holds, to be then alſo put all to the ſword by the Iriſh Papiſts in Ireland in their owne ſeverall parts and limits, by men thereunto chiefly and particularly appointed by the contrivers thereof: and that eſpecially the town and caſtle of Eniskillin, with the reſt, would be taken, and all the Proteſtants in it put to the ſword, and therefore adviſed the Examinate to get himſelfe and goods out of towne; whereat the Examinate ſmiling, *Fergus* bid him not to fleight it, for he could aſſure thoſe things would come to paſſe in ſeven dayes, or els he would be bound to loſe his head. Whereupon the ſaid *Fergus O Howen* departed, and the Examinate acquainting Sir *William Cole* with it, there came one *Flartagh Mac Hugh*, a Gentleman and Freeholder of that county, and affirmes to the ſame effect to Sir *William Cole*, that the Plot for the ſurprizing of the city and caſtle of Dublin, the caſtle of Eniskillin, and all the caſtles and ſtrengths in Ireland, was to be put in full execution by the Papiſts October 22. and 23. 1641. throughout the ſaid Kingdome, and that *Brian Mac Conaght Macguire* Eſquire did ſend him the ſaid *Flartagh Mac-Hugh* to give notice and warning thereof to the ſaid Sir *William Cole*, whom he earneſtly deſired to be upon his Guard upon Friday the 22. and Saturday the 23. of October, for the L. *Macguire* was gone with *Macmahon* and others that week with purpoſe to poſſeſſe themſelves of the caſtle and city of Dublin, and the L. *Macguire* had written his Letters to *Con O-Bourke*, *Owen O Roreicke*, *Martagh Oge O Fantagon*, and others, to go on with that plot in thoſe parts, and had appointed his brother *Rori Macguire* (in his abſence) to command the Iriſh Papiſts of the county of Fermanagh, for the ſurprizing of the caſtles and houſes of the Proteſtants: of all which Sir *William* advertiſed the Lords Juſtices and Councell of Ireland the ſame day. And this Examinate ſaith, that Captain *Mac-Hugh* ſeven or eight dayes before the Rebellion brake forth, declared, That the L. *Macguire* poſted Letters, and rode up and downe to divers Gentlemen, and others of that

county,

County to be very active in the buſineſſe. That it was averred upon the oaths of *Flartagh Mac Hugh*, *John Oge Mac Hugh*, and *Terlagh Oge Mac Hugh*, before the ſaid Sir *William Cole*, that 150. men were appointed to ſurprize the Caſtle of Eniskillin, under the leading of *Don Macguire*, and *Rori Macguire*, who were to murther the ſaid Sir *William Cole*, and his wife, children, and ſervants, and throw them over the wall into the river, and then to do the like unto the Proteſtants in the Towne and Corporation of Eniskillin, for which ſervice they were not onely to have the ſpoile and riches of the ſaid caſtle and town, but to have alſo the Barony of Clanawley granted and confirmed in Fee to them and their heires, from the ſaid Lord *Macguire* and his heires. The Examinate then alſo produced a Letter written in Iriſh from the L. *Macguire*, to his coſin *Brian Macguire*, wherein taking notice that he was abundantly inclined to the Engliſh, which did very much trouble him, and therefore deſired him to baniſh ſuch thoughts out of his minde, and not to purſue thoſe reſolutions which in the end might be his own deſtruction, as he thought it would be to all thoſe that did not appeare.

Preſently after, upon the 29. of October, one Captain *Rori Macguire* took upon him the mannaging of all buſineſſes in his abſence, he fortifies firſt the Caſtle-Haſen, the houſe wherein he dwelt himſelfe, he took in the caſtle of one *Edward Aldrith* Eſquire, he put out all the Engliſh there, he went to the town, burnt that, but kild none of the men; went thence to another place, and hanged one *Eleazar* M. one that was Clarke of the Peace of the County, and from thence he went to Newton, foure Miles off from it, tooke in the towne, ſtript and diſarmed all the Proteſtants that were in the Church, the next day after marcht away, and kil'd and deſtroyed moſt of the Engliſh in thoſe parts, murdered *Arthur Champion* Eſquire, and many more: 22. caſtles were ſeized upon, and the Church of Monah, with 18. Proteſtants burnt in it: 764. Proteſtants were deſtroyed in that County; and I did heare there was about 152000. that they had deſtroyed in that Province of Vlſter, in the firſt foure moneths of the Rebellion.

John Carmicke.

Then Sir *William Cole* (being preſent in Court) gave in his evidence, much to the ſame effect as in *Carmicks* teſtimony.

S.W. We deſire to ſhorten, we have a great many Witneſſes; we ſhall goe upon theſe particulars. 1. Captaine *Oneales* landing in Ireland, and what he brought with him. 2. *Guilo* and *Crocan*. Laſtly, how long beſieged, and how many murthered?

Then Sir *William Steward* gave in teſtimony to this effect:

That *Con Owen Oneale* landed in July the ſame yeare the Rebellion began, brought many Commanders, much Armes and Ammunition; many of his Commanders, nine of the chiefe of them, were taken priſoners at one battell.

S.W. It is his own confeſſion, that he ſent a Prieſt over to fetch Armes to come into Ireland.

Then the Lady *Calfield* was deſired to declare her knowledge concerning the taking of Charlemont caſtle.

Lady Calfield. The 23. of Octob. 1641. Sir *Philom Oneale* and others came into the caſtle, they ſeized upon all, murthered his ſervants; and thoſe that were alive, they bound them, and put them in priſon: and at that time Sir *Philom Oneale* himſelfe, and other of his companions told her, *That Dublin caſtle and city, and moſt other Forts of Ireland, were ſurprized by their confederates the Papiſts: and that he was ſorrie for his coſin the Lord* Macguire, *and that he was afraid he was taken.*

S.W. What was done with my Lord *Calfield?*

La. Calfield. He was murthered: he beg'd for his life, and they durſt not but doe it.

S.W. When Sir *Philom Oneale* had taken my Lord *Calfield*, then they got this Lady to write to the Lords Juſtices, that my L. *Macguire* might be exchanged for her ſonne, but that would not be: and thereupon they murdered my Lord *Calfield*, *Francis Davis*, and others.

Mrs. *Mary Wordroſes* Teſtimony.

That he came on Friday night about 10. or 11. a clock, to breake into the caſtle; I hearing the noiſe, asked what was the matter: I went to call up ſome of our Gentlemen: when I came in againe, they had taken ſome of our Gentlemen, and bound them.

She alſo teſtified the murdering of the Lord *Calfield*, *Francis Davis*, and others; and the former words concerning the Lord *Macguire*.

S.W. Theſe

S.W. Theſe two Witneſſes prove that of Charlemont, how farre the Rebells owned the L. *Macguire*, as to endeavour his exchange. We ſhall now come to the other Caſtles, how long they beſieged them, and who was murthered?

Walter Gubſons Teſtimony.

They beſieged it a quarter of a year before they tooke it, divers of the chief conſpirators, and *Powell*, and *Coſens*, tooke the Caſtle by force in an hoſtile manner.

Sir *Francis Hamiltons* Teſtimonie.

Philip O Rely came to the Caſtle to Guilo and Crogan Caſtles, and they lay before it a quarter of a yeer, with 2000. or 3000. men, ſomtimes 1500. but never leſſe.

Sir *Charles Cootes* Teſtimony concerning the generality of the Rebellion.

Sir *Philom O Neale* and *Roger Moore* were the actors in the maſſacres, and by publike directions of ſome in place, and of the Titulary Biſhops, for the ſending of an exact account of what Perſons were murthered throughout all Vlſter, a fourth part of the Kingdom of Ireland, to the Pariſh Prieſts in every Pariſh, and they ſent in a particular account of it, and the account was, an hundred foure thouſand ſeven hundred, in one Province, in the firſt three moneths of the Rebellion.

S.W. What ſay you concerning the generall Counſell, and the Popes Bull?

S.C. Coote. The ſupreame Counſell they tooke up a new forme of government upon them of their owne, and by this authority it was granted to the Lady *Macguire*, that ſhe ſhould have the Rent of ſuch Lands in recompence of the loſſe that he was at in their cauſes. They have made ſeverall Judges of their own Courts: They print, they coyn, they do all in their own names.

The

The Copie of the Popes Bull.

Ad futuram Rei Memoriam.

Urbanus Octavus, &c.

HAving taken into Our ſerious conſideration the great zeale of the Iriſh, towards the propagating of the Catholike faith, and the pietie of the Catholike warriors in the ſeverall armies of that Kingdome (which was for that ſingular fervency in the true worſhip of God, and notable care had formerly in the like caſe by the inhabitants thereof, for the maintenance and preſervation of the ſame Orthodox Faith, called of old the land of Saints) and having got certain notice, how in imitation of their godly and worthy Anceſtors, they endeavour by force of armes to deliver their thralled Nation from the oppreſſions, and grievous injuries of the Heretickes, wherewith this long time it hath been afflicted, and heavily burthened, and gallantly do in them what lyeth to extirpate and totally root out thoſe workers of iniquity, who in the Kingdome of Ireland had infected, and alwaies ſtriving to infect the maſſe of Catholike puritie with the peſtiferous leaven of their hereticall contagion; We therefore, being willing to cheriſh them with the gifts of thoſe ſpirituall graces, whereof by God we are ordained the only diſpoſers on earth, by the mercy of the ſame Almighty God, truſting in the authority of the bleſſed Apoſtles *Peter* and *Paul*, and by vertue of that power of binding, and looſing of ſouls, which God was pleaſed (without our deſerving) to conferre upon us. To all and every one of the faithfull Chriſtians in the foreſaid Kingdom of Ireland now, and for the time militating againſt the Hereticks, and other enemies of the Catholike Faith, they being truly and ſincerely penitent, after confeſſion, and the ſpirituall refreſhing of themſelves with the ſacred communion of the Body and Blood of Chriſt, doe grant a full and plenary Indulgence, and abſolute remiſſion for all their ſinnes, and ſuch as in the holy time of Jubilee, is uſuall to be granted to thoſe that devoutly viſit a certain number of priviledged Churches, within and without the walls of our City of Rome, by the

the tenor of which preſent letters for once only and no more, we freely beſtow the favour of this abſolution, upon all and every one of them, and withall deſiring heartily all the faithfull in Chriſt now in armes as aforeſaid, to be partakers of this moſt precious treaſure.

To all and every one of theſe foreſaid faithfull Chriſtians, we grant licence, and give power to chooſe unto themſelves for this effect any fit Confeſſor, whether a ſecular Prieſt, or a Regular of ſome Order, as likewiſe any other ſelected Perſon approved of by the Ordinary of the place, who after a diligent hearing of their confeſſions ſhall have power to liberate and abſolve them from excommunication, ſuſpenſion, and all other Eccleſiaſticall ſentences and cenſures by whomſoever or for what cauſe ſoever pronounced, or inflicted upon them: as alſo from all ſinnes, treſpaſſes, tranſgreſſions, crimes, and delinquencies how haynous and atrocious ſoever they be, not omitting thoſe very enormities in the moſt peculiar caſes which by any whatſoever former conſtitutions of Ours, or of our Predeceſſor Popes (then which we will have theſe to be no leſſe valued in every point) were deſigned to be reſerved to the Ordinary, or to the Apoſtolick Sea, from all which the Confeſſor ſhall hereby have power granted him to abſolve the foreſaid Catholikes at the barre of conſcience, and in that ſence only. And furthermore wee give them power to exchange what vow or vows ſoever they were formerly aſtricted to (thoſe of religion and chaſtity excepted) into any other pious and good work or works: impoſed or to be impoſed on them and every one of them to performe in all the foreſaid caſes by a wholeſome penance according to the minde and will of the Confeſſor.

Therefore by the tenour of theſe preſent Letters, and by the vertue of that Holy ſtrict obedience, wherein all Chriſtians are bound unto Vs, we charge and command all and every one of the reverend Brethren, Archbiſhops, Biſhops, and other Eccleſiaſticall Prelates, and whatſoever Ordinaries of places now reſiding in Ireland, together with all Vicars, ſubſtitues and officialls under them, or theſe failing, We command all ſuch to whom in theſe places the care of ſouls is incumbent, that as ſoon as they ſhall have received the copies of theſe Our Letters, they ſhall forthwith without any ſtop or delay publiſh them, and cauſe them to be publiſhed thoroughout all their Churches, Dioceſſes, Provinces, Countries, Cities, Townes, Lands, Villages, and places whatſoever. Never-

...we do not intend by theſe preſent Letters, where any publike or ſecret irregularity is made knowne, or any defection, apoſtaſie, incapacity or inhability in any manner of way contracted, to diſpence therewith, or grant to any other any power or faculty of diſpenſation, rehabilitation or reſtoring the Delinquent to his former condition, though but at the barre of conſcience: neither can nor ſhould theſe our preſent Letters availe or be ſtedable to thoſe, who by us and the Apoſtolick Sea, or by any Prelate or Eccleſiaſtick Judge have been excommunicated, ſuſpended, interdicted, or declared, and publikely denounced to have juſtly incurred the ſentences and cenſures of the Church, till firſt they have ſatisfied and agreed with the parties therein concerned, not withſtanding all other Conſtitutions and Apoſtolicall Ordinations, whereby nevertheleſſe the faculty of Abſolution in theſe as well as other expreſſed caſes is ſo reſerved to his holineſſe the Pope for the time being, that no kind of Jubilee nor power of granting ſuch indulgences can in any ſort availe, unleſſe expreſſe mention be made of the fault or faults in particular, and the whole tenour of them fully deduced by an individuall relation from word to word, and not by generall clauſes importing the ſame thing: this or ſome other exquiſite form of the like nature being carefully obſerved, we in that caſe eſpecially, expreſſely, and namely by the effect of theſe preſents do totally aboliſh and remit them all and every one of them their offences, notwithſtanding any thing to the contrary.

Now that theſe principall Letters of ours, which cannot be conveniently brought to every place, may the ſooner come to the notice of all, Our will and pleaſure is, that any whatſoever Copies or Tranſumpts whether written or printed, that are ſubſcribed with the hand of a publike notary, and which have the ſeale of ſome eminent Perſon in Eccleſiaſticall dignity affixed thereunto, be of the ſame force, power, and authority, and have the like credit in every reſpect given unto them, as would be to theſe our principall Letters if they were ſhewen and exhibited.

Dated at Rome in the Vatican or S. Peters Palace the 25. of May 1643. and in the twentieth year of our Pontificat.

M. A. Maraldus.

S. W. We have troubled you with a long relation of the actions of the Confederates with the L. *Macguire*, though not done in his own perſon, and his own perticular Act; but for this that was done by the Generality, I heard my Lord ſay at the Bar, Whats that to me? Yes my Lord: This is to you, you were one of the Conſpirators in the firſt plot, and you contrived the buſineſſe. And that had been Treaſon alone, to ſend the Prieſt to fetch *Owen Oneal* into Ireland, with Armes and Souldiers, but you contrived this, and conſpired it, and you are as guilty in Law in all theſe cruell murthers, and burnings in every place: For the Law of England is, in Treaſon you are all principles, no Acceſſaries; your Son was there, your Lady is Rtewarded: For the ſupream Councell they have taken care of you: Why! Becauſe you were one of the firſt complotters of it, and this will light upon you and fall very heavie: And for your Exchange it was propounded for the L. *Calfield*, but when they could not have that greed upon, then what becomes of the poor Lord *Calfield?* murthered too: And you ſee what incouragement you have from the Complotters, and from the Divell too, for they were both together in it. And now you have ſeen the Indictment fully made good.

Then the Lord *Macguire* proceeded to make his defence, wherein he firſt of all denied his Examination (although teſtified as before by ſo many credible witneſſes) and ſaid that he knew no ſuch Examination.

That at the time of his apprehenſion at Dublin, he came about his own particular occaſions, as his Eſtate was in danger if he did not follow it: That becauſe he was found about the City, he was therefore apprehended; That his lodging was not within the City, but he lodged without the City; that he did lodge at Mr. *Nevils* Houſe formerly, but not at this time: That for ſome of the places mentioned, where he ſhould be about the Conſpiracy, he had not been there a year before, he was certain of it. For the number of Proteſtants that were mentioned to be ſlain, he ſaid he did not think there were ſo many Proteſtants in the whole Kingdome. That he was continually either at his owne Houſe, or at Dublin, and knew nothing of the Plot but by hear-ſay.

Iudg. You confeſſe in your Examination, when the day was for the riſing, that you were in the conſpiracy, and appointed for the taking of Dublin Caſtle; and that you were taken when you came about it. Alſo you rode about it, and provided Armes.

Macg. I was in the houſe in the Cock-loft where I was taken, I did not know where any Army was!

S. W. My Lord *Macguire* does forget himſelf what he acknowledges under his own hand.

Then the Examination being ſhewed him he ſaid; Theres my name but not my hand.

Judg. I am ſorry to hear it, I did rather expect, that you ſhould have acknowledged it; Here are two able witneſſes that can teſtifie it againſt you, your denying your own hand, which is ſo manifeſtly proved, will be a great diſcredit to what you ſay; you acknowledged it at two ſeverall times.

Macg. What did I acknowledge?

Judg. You ſay that you came to Dublin to ſettle your eſtate: By your own Examination you acknowledge, That the Caſtle of Dublin was to be ſurpriſed by your ſelf.

Jud. It is now time we ſhould draw to the Jury: You hear my Lord Bramſton and my Brother *Finch* here juſtifie it to you.

Then the L. *Maguires* Examination was ſhewed to thy L. *Blaney*, being preſent in Court, demanding whether he thought it to be *Macguires* hand or no?

L. Blaney. It is my Lords own hand, he hath written to me many Letters.

Macg. I don't think I have written many Letters to your Lordſhip.

Judg. Gentlemen of the Jury you may go to the buſineſſe; If there were nothing but that you ſee in this caſe but what is in the examination if you do beleeve to be his: His confeſſion does acknowledge it: you hear this by the teſtimony of my Lord *Bramſton*, and my brother *Finch*, expreſly that were preſent when he did acknowledge it and ſet his hand to it; and yet you ſee though it is here proved by my Lord *Blaney* he denies it, If you finde this to be true here is treaſon enough, and too much too. for he does here confeſſe; That *Roger Moore* did acquaint him; That if the Iriſh did riſe, they might make their own conditions for regaining their lands; and he acquainted him, That he had ſpoken with ſundry in Leinſter, that would be ready for that purpoſe, and that a great part of Conaught would do the like; and then moved him (his Lord) the priſoner at the Barre, to joyn likewiſe with him, which he did, ſo then was the plot. The next day they met; he goes to *Moores* Chamber again, where Col. *Mac Brian*, *Mac-mahon*, and others, had diſcourſe again about it, then he ſayes; That they did ſend over to *Owen O Neal*, to acquaint him concerning the generall Rebellion in Ireland, then in preparation. He confeſſes expreſly; That

being

being demanded why the ſaid *Owen* ſhould bring over Armes, ſeeing the Caſtle of Dublin was to be ſurpriſed, anſwered: That they ſo provided Armes, that they might not want any thing, if they ſhould not take it, whereof they doubted. And then you have him acknowledgeing, that the Caſtle of Dublin was to be ſurpriſed by himſelf, and Captain *Brian O Neal*, and others; Theſe words ſhew here expreſly, That the day whereon the execution was appointed, by the Lord *Maguires* own confeſsion, he was come to Dublin for the ſurpriſe of the Caſtle. So that it is apparent, that he was about this plot expreſly. If this be true; That you did conſpire to make warre or Rebellion within that Kingdome, though you were taken your ſelf before it was executed, yet it was your own conſpiracie: And beſides, endeavouring after that to bring it to perfection, by ſending over for Armes. All theſe does diſcover your own intention to execute it.

Magu. I confeſſe it not, I referre my ſelf to the Jury.

Judg. Gentlemen you are to know, that to conſpire to raiſe a Warre, if any of that Conſpiracy do Act it, as you ſee here Sir *Philome O Nele* did, if you obſerve the Teſtimonie of my La. *Cdfield*, he came and ſurpriſed the Caſtle of Charlemont, and then it was given out, that my Lord *Maguire* had taken Dublin, ſo that though it did not take effect, That which is done by any is teſtimonie enough.

Goe together and conſider of it.

Upon this the Jury went together, and ſtaying a ſhort ſpace, returned their verdict, which was; That they found him guilty of all the Treaſons according to the Indictment.

C. Conner *Maguire*, alias *Cornelius Maguire*; Thou haſt been indicted of ſeverall high Treaſons, and thou Haſt been Arraigned; Upon the Arraignment, Thou haſt pleaded not guilty, and for thy Triall haſt put thy ſelf upon thy countrey, which countrey have found thee guilty, according to the Indictment, Therefore prepare thy ſelf to receive the ſentence.

Magu. I deſire to know by what Law?

Judge. The Law is well enough Knowne; That is, a Treaſon is within the Satute without doubt.

Magu. I was not tried by my Peeres.

Judge. This is a generall Exception, formerly annexed in your plea, If you can ſhew ſome particular cauſe alſo, you ſhall be heard.

Magu. I deſire counſell to adviſe me.

Judge. When you did put in a plea therein, you had councel to ad-

vise you in your plea and to argue it ; Now your time is past for counsell, you must have none assigned to picke holes in the Inditement.

Magn. I desire the Court would consider of it before they proceed to sentence.

Iudge. You offer nothing to the Court that is of any difficultie, you had counsell whether you should be tried by your Peers or the Jury here , which jury are to try any man under a Nobleman in this Kingdome.

Magn. I desire to know under what seal you thus proceed against me, for I thinke you sit here by the new seal.

Iudge. What seal do you mean, I sit here by vertue of the Olde by Order of Parliament.

Mag. Vnder favour I conceive, that the Ordinance of Parliament for the New seal, makes all done by the old seal to be voide.

Iudge. Here is nothing done but by good authority, and the Parliaments approbation.

Mag. I conceive the Ordinance for the New seal cuts off all proceedings of the olde.

Iudge. My authority is not cut off, I was made by the Olde Seale before there was any New Seale, and so I am continued by the Parliament, and the Parliament did take notice that I have been allowed to sit. Besides this, there is nothing done in this Court by the New Seale, the Sheriffs are here by a Charter,and that comes in from yeer to yeer and there is no Seale in order of execution.

Iudge. Well if you have nothing to say for your selfe,I am to pronounce sentence as I am a Minister of Iustice : you have been Indited here for severall Treasons contained in your inditement as was here of late read unto you,and you have had a fair proceeding & very deliberately : for your inditement came in about *Allhallowmas* last, three weekes or a Moneth before the end of the last Terme, three weeks at least ; you then made a question whether you ought to be tried by your Peers in Ireland, or a Jury here, the Court did so far deliberate in it as to allow you Counsell to plead with the best advantage you could. And afterwards this Terme, there hath been two arguments at the Barre on each side, where hath been said as much for you as can be. The Court ouer ruled that, and so you are tried by a Jury, and you had the Liberty to challenge them, and had all the ad-

advantages that the Law will afford and take all the exceptions you could. Truely for my part, I ſee, that there is not any one of them for me to ſway the Judgement: The Treaſon and the Offences that you are charged withall are very hainous, your crimes very impious, great deſtruction hath followed upon your plot which the Jury have found you guilty of? What a mighty cruell war and great devaſtation in that Kingdome, moſt horrid to ſpeak or rehearſe: It is fitter for you now to bethinke your ſelfe, what your offences are, and prepare your ſelfe for death rather then ſeek to mask or put colours upon thoſe things which are ſo manifeſtly proved to all the world: And now you are found guilty, and therefore there is no contradiction or gainſaying will avail you, you ought to repent and pray to God to forgive that offence wheof you are guilty. The Judgement that I am by the Law to pronounce againſt you is this: *Connor* Maguire Eſquire, You being found guilty of the Treaſons whereof you are indicted, your Judgement is; That you ſhall bee carried from hence to the place from whence you came, that is the Tower, and from thence to Tiburne the place of execution, and there you ſhall be hanged by the neck, and cut downe alive, your bowels taken out and burnt before your face, your head to be cut off, your body to be divided into four quarters, and the head of your body to be ſet up and diſpoſed of as the State ſhal appoint. And the Lord have mercy upon your ſoule.

After judgment pronounced, the Kings Councell demanded of him, whether he would have any Miniſters come to him, to prepare him for his end, and to adviſe him for the good of his ſoul?

Macg. I deſire none of them; but I deſire I may be ſent Priſoner to Newgate.

Counc. His reaſon is, becauſe there are ſome Popiſh Prieſts there.

Iudg. That cannot be; your judgement is to return to the Tower, where you may have Miniſters (if you pleaſe) to return to adviſe you for your ſoul.

Macg. I deſire you that ſome Gentlemen of my own Religion may have acceſſe to me to conferre with me, and ſome who are my fellow Priſoners in the Tower, to ſpeak with me in my Keepers preſence.

Iudg. You muſt name ſome body in perticular.

Macg. I deſire to conferre with Mr. *Walter* Mountague: (Belike he knew him to be a Popiſh Prieſt or Jeſuite.)

Iudg. You muſt prepare your ſelfe to die againſt Saturday next.

Macg. I deſire a fortnights time to prepare my ſelf.

Judg. That is too long a ſpace, and I cannot grant it, but you ſhall have convenient time.

Macg. I deſire you, that I may have three dayes notice at leaſt, to prepare my ſelf.

Judg. You ſhall have three dayes warning, but however delay no time to prepare your ſelf.

Macg. I deſire my execution may be altered, and not according to the judgement; and that I may not be hanged and quartered.

Judg. This lies not in my power to grant; but here are ſome Members of the Houſe of Commons in Court, and you were beſt addreſſe your ſelf to them, that they may acquaint the Houſe with your deſires.

Macg. I ſhall deſire the Gentlemen of the Houſe of Commons, ſo many as are here, to move the Houſe in my behalf, that I may have a fortnights time to prepare my ſelf, and that the manner of my execution may be changed.

Sir John Clotworthy. My Lord, I have been your Schoole-fellow heretofore, and have found ſome ingenuity in you, and I have ſeen ſome Letters of yours imparting ſome remorſe of conſcience in you for this fact, and I ſhould be glad to diſcern the like ingenuity in you ſtill; And ſhall move the Houſe, that you may have ſome Miniſters appointed to come to you: and likewiſe acquaint them with your other deſires.

Then the priſoner departing from the Barre, Mr. *Prynne* adviſing him to conferre with ſome godly Miniſters, for the good and comfort of his ſoul; He anſwered, That he would have none at all, unleſſe he might have ſome Romiſh Prieſts of his own Religion.

To which Mr. *Prynne* replied; My Lord, theſe Romiſh Prieſts are the chief Inſtruments, who have adviſed you to plot and perpetrate thoſe execrable Treaſons for which you are now condemned, and have brought upon you that ſhamefull judgement of a Traitor; the execution whereof you even now ſo earneſtly deprecated. Since then they have proved ſuch evill deſtructive Counſellors, to you in your life, you have great reaſon to diſclaim them with their bloody religion, and to ſeek out better adviſers for you at your death, leſt you eternally loſe your ſoul, as well as your life; for the bloud of thoſe many thouſand Innocents which have been ſhed by your meanes. To which he pawſing a little, anſwered: That he was reſolved in his way. Whereupon another Lawyer ſaid; My Lord, you were beſt to hear both ſides. To which he anſwered, in an obſtinate manner; I am ſetled on one ſide already

already, and therefore I desire not to conferre with any of the other: And so departed through the Hall towards the Tower, the people crouding and running about to behold his person.

After the sentence pronounced against the Lord Macguire as before said, he petitioned the Parliament; As followeth.

To the Right Honourable the Commons now assembled in Parliament.

The Humble Petition, of the Lord MACGUIRE.

Humbly sheweth;

THat your Petitioner stands condemned for his life, and adjudged to be drawn, hanged, and quartered: the performance whereof (he humbly conceives, in some more favourable manner) will be satisfactorie to Iustice. And forasmuch as your Petitioner hath hitherto enjoyed the Degree and Dignity of a Lord, which he humbly conceives your Lordships are well acquainted with;

In tender consideration whereof, he desireth that your Honours would graciously be pleased, in mercy to mitigate the rigour of his sentence, and turne it to that degree which most befits the Denomination he hath: And as he hath been looked on by the eye of justice in his condemnation, So that in this perticular he may be pitied, and have mercy.

And he shall ever pray, &c.

Cornelius Maguire.

This Petition was rejected by the Parliament, and the Lord Macguire hanged, drawn, and quartered, at Tyburn, on Thursday Feb. 20. According to the sentence of the Court.

Sir Philim Roe O Neille his Pattent to Bryen Maguire Es: to be Governour of the County of Fermanagh, dated 10th. May 1642.

FOrasmuch as for the great trust, confidence, fidelity, & circumspective, conscionable, righteous care

and

and diligence we repoſe in our truſtie and welbeloved friend and Cozen Bryan Mae Cochonaght Maguier, of Clanawly in the County of Fermannagh Eſ. Have by theſe preſents conſtituted, nominated, ordained, and appointed, like as by theſe our Letters pattents do conſtitute, nominate, ordaine, and appoint him the ſaid Bryan, Mac Cochonagh Maguyre, to be our Governour, in and throughout the whole County of Fermannagh aforeſaid, hereby granting and giving him full power and authoritie to execute fulfill perform and do, all ſuch Act and Acts, thing and things whatſoever to the place, and office of Governour any wayes appertaining, aſwell for the common good, as for the upholding and maintaining of his Majeſties prerogative, his Crown and dignitie, And the upholding and maintaining of the ancient holy Catholike Romane Religion, hereby alſo ratifying, allowing and confirming all ſuch Act, and Acts, thing, and things, whatſoever by our ſaid Governour done and performed, according to the true purport meaning and intent of theſe our Letters Pattents during our pleaſure, in as ample and large manner as if we had doe the ſame in our own proper perſon; Given under our hand and ſeal this eleventh day of May Anno. Dom. 1642.

For Bryan Mac Cochonaght Maguire, Governour of Fermannagh theſe.

Phe. O Neill.

Cop: vera. William Cole.

FINIS.

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